

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LANCE REBERGER,

Plaintiff,

vs.

JAMES DZURENDA, *et al.*,

Defendants.

Case No.: 3:17-CV-00552-RCJ-WGC

**ORDER OF DISMISSAL WITHOUT
PREJUDICE PURSUANT TO NOTICE
OF INTENT TO DISMISS PURSUANT TO
FRCP 4(m) (ECF NO. 89)**

The Court filed the Notice of Intention to Dismiss Pursuant to FRCP 4(m) (ECF No. 89) on November 30, 2021. Plaintiff was ordered to provide the Court with proof of service as to the following parties: **HAROLD MIKE BYRNE and TIMOTHY FILSON** on or before December 30, 2021.

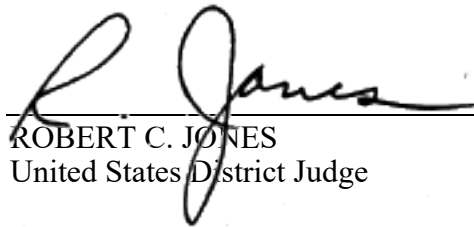
Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the Court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (internal citations and quotations omitted). All five factors point in favor of dismissal.

1 Plaintiff has failed to show good cause why this action should not be dismissed without
2 prejudice for failure to file proof of proper service with this Court pursuant to FRCP 4(m) and
3 failure to comply with the Notice of Intention to Dismiss (ECF No. 89).
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5 IT IS HEREBY ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**
6 as to Defendants: **HAROLD MIKE BYRNE and TIMOTHY FILSON** for Plaintiff's failure to
7 comply with the Court's Notice of Intention to Dismiss (ECF No. 89) pursuant to FRCP 4(m).
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9 IT IS SO ORDERED.

10 Dated this 19th day of January 2022.

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13 ROBERT C. JONES
14 United States District Judge
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